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Attorney for Debtor
VINH NGUYEN

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re:

VINH NGUYEN,

Debtor.

Case No. 22-50907 MEH
Chapter 7

**OBJECTION TO EX PARTE APPLICATION
FOR ORDER COMPELLING
COMPLIANCE WITH 11 U.S.C. SECTION
521 (a)**

Judge: Hon. M. Elaine Hammond

**TO THE HONORABLE M. ELAINE HAMMOND, THE CHAPTER 7 TRUSTEE, THE
PARTIES IN INTEREST, AND THEIR RESPECTIVE COUNSEL(S) OF RECORD:**

Vinh Nguyen ("Debtor"), Debtor in the instant case, by and through his counsel of record, Farsad Law Office, P.C., hereby files this Objection to Ex Parte Application for Order Compelling Compliance with 11 U.S.C. Section 521(a) ("Ex Parte Application"). Debtor states as follows:

1. On February 16, 2023, the Chapter 7 Trustee conducted a continued Section 341 Meeting.
2. During the Meeting, the Debtor was asked questions regarding a \$19,000 check that was paid out of the IOLTA Account.
3. It must be noted the Debtor is a 76-year old senior that is not well. He has diabetes type II, loss of memory, and heart issues (he underwent artery replacement 2 years ago). Based on the latter, he takes roughly 10 prescription pills a day that affects his mood and makes him lethargic. He

1 can still work, but he's very slow and needs time to think. He cannot work on the 'fly' at all.
2 Within the past 2 weeks, he has been sick and has not been able to attend three scheduled
3 appointments with his counsel to go over a declaration clarifying his testimony as provided at
4 the 341 Meeting.

- 5 4. As to the background of the monies in question, the \$19,000.00 was from a client involving a
6 real estate matter. The Debtor was paid in October of 2022 from the client that met with the
7 Debtor in July and August. The Debtor has done approximately 10 hours of work on behalf of
8 the client at his hourly billing rate of \$300.00 per hour. He's been a licensed attorney since
9 1993.
- 10 5. Accordingly, from the "\$19,000.00" obtained, \$3,000.00 is in fact earned money that is
11 "unexempt" for purposes of the current case. The remaining \$16,000.00, however, has not been
12 earned and still belongs to the client-not the Debtor.
- 13 6. The Debtor's testimony provided at the 341 Meeting was not clear. The Ex Parte Application
14 demonstrates this in the portions included in the Ex Parte Application.
- 15 7. Trustee Hjelmset speaks very fast and the Debtor did not catch his pertinent points. In
16 particular, as noted in the Ex Parte Application, there is a discussion about the accounts
17 receivable and whether or not said the money was in fact earned as a whole. In the transcript
18 portion provided, it's definitely not clear as the Debtor stated 'um' as to whether the money was
19 an "account receivable". Debtor's counsel attempted to assist-with the result that the Debtor
20 believed he would be able to go back to his records to calculate his hours and see what was
21 earned / unexempt income.
- 22 8. The Meeting was continued and the Debtor thought that he would be able to return with the
23 results of his research to provide his hours at that time.
- 24 9. Therefore, the Debtor and Debtor's counsel respectfully ask the Trustee to withdraw the Ex
25 Parte Application to allow the Debtor to present his findings at the continued 341 Meeting free
26 from any compulsory motions (as the Debtor was led to believe) or, in the alternative,
27 respectfully ask the Court to deny the Ex Parte Application.
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1 RESPECTFULLY SUBMITTED,
2 FARSAD LAW OFFICE, P.C.
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4 Dated: February 28, 2023

5 By: /s/ Nancy Weng
6 *Nancy Weng*
7 Attorneys for Debtor
8 Vinh Nguyen
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ORDER COMPELLING COMPLIANCE WITH 11 U.S.C. SECTION 521 (a)

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